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**Air Pollution Regulations in
State Implementation Plans
California, Shasta County**

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

**Environmental Protection Agency, Research Triangle Park, NC Control
Programs Development Div**

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California

Shasta County

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**California
Shasta County**

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-36

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES
CALIFORNIA

<u>Submittal Date</u>	<u>Approved Date</u>	<u>Description</u>
6/30/72	9/22/72	Regulations Approved Unless Noted Otherwise
7/19/74	8/22/77	Rules 1:1-1:2, 2:6(1)(a), 2:6(1)(b)(i-ii, iv-vii), 2:6(1)(c)(i-vi), 2:6(1)(d-e), 2:6(2-4), 2:7, 2:8(a-c), 2:9, 2:11, 2:14, 2:25, 3:1-3:9, 3:11-3:12, 4:1-4:23
1/10/75	8/22/77	Rules 2:6(5)(b), 3:1, 3:2, 4:6, 4:14
7/22/75	8/22/77	Rule 2:8

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STATE AIR POLLUTION REGULATIONS

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS, AND APPLICATIONS
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 - 51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
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RULE I TITLE AND DEFINITIONS

- (2.0) Rule 1:1. Title: These rules and regulations shall be known as the Rules and Regulations of the Shasta County Air Pollution Control District.
- (1.0) Rule 1:2. Definitions: Except as otherwise specifically provided in these rules and, except where the content otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

Abatement Order means an order issued by the Hearing Board to a specific person requiring said person to forthwith cease all specified act or acts, or the specified use of a machine or machines, which specified act(s) or specified use(s) result in violation(s) of these rules.

Agricultural Burning means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat. (Added 10/12/71; Amended 12/4/72)

Agricultural Producer means a person or persons, including a corporation duly formed or qualified to do business in Shasta County, California, engaged in operations of growing and harvesting crops or raising of fowls or animals for the primary purpose of making a profit, or providing a livelihood who possesses at least five (5) contiguous acres of irrigated cropland, of five (5) contiguous acres of forest land, or twenty (20) contiguous acres of farmland or grazing land, or the property possessed must have attributed to or augmented such person or persons gross income by at least 10% during either of the last two calendar years. (Added 12/4/72)

Air Contaminant includes smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof. (Amended 10/1/73)

Approved Ignition Methods includes those instruments or materials that will ignite agricultural waste without the production of black smoke. This would include such items as liquid petroleum gas, butane or propane burners, and flares, but does not include the use of tires, tar paper, and other similar materials. (Added 10/12/71)

Atmosphere means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building (other than a hog fuel house) not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

Board means the Air Pollution Control Board of the Shasta County Air Pollution Control District.

Brush Treated means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been designated with herbicides. (Added 12/4/72)

Combustible or Flammable Wastes are any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid or liquid form. (Amended 5/8/72)

Combustion Contaminants are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

Control Officer means the Air Pollution Control Officer of the Shasta County Air Pollution Control District.

Designated Agency means any agency designated by the State Air Resources Board as having authority to issue agricultural burning permits. The U. S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction. (Added 12/4/72)

District is the Shasta County Air Pollution Control District.

Dusts are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

Forest Management Burning means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices. (Added 12/4/72)

Flue means any duct or passage for air, gases, or the like, such as a stack or chimney. (Added 5/8/72)

Fumes are minute, solid particles which result from the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

Gasoline means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

Hearing Board means the Hearing Board of the Shasta County Air Pollution Control District.

Incinerator means any furnace or similar enclosed fire-chamber, with or without a draft control, used for burning refuse or other waste material, where products of combustion are directed through a flue. (Amended 5/8/72)

Institutional Facility means any hospital, boarding home, school, corporation yard, or like facility.

Loading Facility means any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 ft. in diameter.

Multiple-Chamber Incinerator is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

Multi-Component System is a collection, or combination, of mutually dependent articles, structures, or devices customarily or necessarily started, operated and taken out of service as a unit.

No Burn Day means any day on which agricultural burning is prohibited by the Air Resource Board or the Shasta County Air Pollution Control Officer. (Added 10/12/71; Amended 12/4/72)

Open Burning In Agricultural Operations in the Growing and Harvesting of Crops or Raising of Fowls or Animals means:

1. The burning in the open of materials by an agricultural producer or by an education institution conducting agricultural research or instruction which are produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals.
2. In connection with operations qualifying under Subdivision 1:
 - (a) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
 - (b) The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. (Added 12/4/72)

Open Outdoor Fire means any combustion of solid or liquid waste outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue. (Amended 5/8/72)

Organic Solvents are dilutents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

Particulate Matter is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions, but shall exclude particles in any dimension which fall to the ground at a geometrically accelerated rate.

Photochemically Reactive Solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;
2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;
3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichlorethylene or toluene: 20 percent.

Permissive Burn Day means any day on which agricultural burning is not prohibited by the Air Resources Board or the Shasta County Air Pollution Control Officer. (Added 12/4/72)

Person means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

Photochemically Reactive Substance means any substance which when irradiated with ultraviolet light reacts with air to form ozone or other products typically associated with photochemical smog. (Added 10/1/73)

Process is the series of actions or motions involved in one single operation wherein all articles, machinery, equipment, or other contrivances contributing to the operation must be operated simultaneously. Time lags and/or holding devices will constitute separation of processes whether they are used or not. (Added 5/8/72)

Process Weight Per Hour is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Range Improvement Burning means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment by an agricultural producer of an agricultural practice on previously uncultivated land. (Added 12/4/72)

Regulation means one of the major subdivisions of Rules of the Shasta County Air Pollution Control District.

Residential Rubbish means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

Rule means a rule of the Shasta County Air Pollution Control District.

Section means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

Standard Conditions are a gas temperature of 70 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

Timber Operations means cutting or removal of timber of other forest vegetation. (Added 12/4/72)

Total Reduced Sulphur means sulphur expressed as H_2S on a dry gas basis at standard conditions.

Silvicultural means the establishment, development, care and reproduction of stands of timber. (Added 12/4/72)

Variance means an authorization by the Hearing Board to permit some act contrary to the requirements specified by these rules and regulations.

RULE II PERMITS

- (2.0) Rule 2:1. Effective Date: Rule 2:3 shall be effective 90 days after the adoption of these rules and regulations.
- (2.0) Rule 2:2. Authority to Construct: Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, or multi-component system including same, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authority for such construction from the Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.
- (3.0) Rule 2:3. Permit to Operate: Subject to the provisions of Rule 2:9, before any article, machine, equipment or other contrivance or multi-component system including same, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, may be operated or used, a written permit shall be obtained from the Control Officer.

No permit to operate or use shall be granted either by the Control Officer or the Hearing Board for such article, machine, equipment or contrivance if it was constructed or installed without authorization as required by Rule 2:2 until the information required is presented to the Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in these Rules and Regulations.

- (3.0) Rule 2:4. Permit to Sell or Rent: Any person who sells or rents to another person an incinerator which may be used to dispose of combustible refuse by burning within the District and which incinerator is to be used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for more than four families, shall first obtain a permit from the Control Officer to sell or rent such incinerator.
- (2.0) Rule 2:5. Exemptions: There are hereby exempted from the permit requirements vehicles as defined by the Vehicle Code of the State of California and aircraft. The Control Officer may, additionally, exempt any kind or type of machines or devices within the following categories:
- a. Internal combustion engines.
 - b. Equipment used exclusively for space heating or air conditioning, other than boilers.

- c. Equipment used in the preparation of food products that are intended for human consumption within 24 hours.
- d. Steam generators, steam superheaters, water heaters, and closed heat transfer systems that are fired exclusively with one of the following:
 - 1. Natural gas;
 - 2. Liquefied petroleum gas;
 - 3. A combination of natural gas and liquefied petroleum gas.
- e. Agricultural equipment used in the preparation of the land, and the planting, tillage and harvesting of field and orchard crops.
- f. Self-propelled construction equipment used in land grading paving, leveling, digging, or other similar operations, other than pavement burners.
- g. Home use appliances.
- h. Recreational equipment.
- i. Dryers for wood and wood products.

The exemptions set forth above do not supersede the provisions of Rule 3.

(51.13) Rule 2:6. Agricultural Burning: This rule applies to both the portions Northeast Plateau Air Basin and the Sacramento Valley Air Basin located within the boundaries of Shasta County Air Pollution Control District.

(1) GENERAL PROVISIONS:

- (a) Policy: The guidelines established by this rule are not intended to permit open burning on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

- (b) Permissive or No Burn Days:

- (i) Commencing no later than December 20, 1972, a notice as to whether a day is a permissive-burn day or a no-burn day will be provided by the Air Resources Board each morning by 0745 for each of the air basins within the District. Such notices will be based on the Meteorological Criteria for Regulating Agricultural Burning, which were adopted by the Air Resources Board on June 21, 1972.

- (ii) An advisory outlook which estimates whether the following day(s) will be a permissive-burn or no-burn day(s) will be made.
- (iv) Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement burn at any elevation below 6,000 feet (msl), or of a specific forest management burn at elevations between 3,000 to 6,000 feet (msl), a permissive-burn or no-burn notice will be issued by the Air Resources Board up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.
- (v) Notwithstanding the above provision, the Air Resources Board may cancel permissive-burn notices that had been issued more than 24-hours in advance if the cancellation is necessary to maintain suitable air quality.
- (vi) A permissive-burn or no-burn advisory outlook will be available up to 72-hours in advance of such burns.
- (vii) The Shasta County Air Pollution Control Officer may declare no-burn days in addition to those so declared by the Air Resources Board.

(c) Burning Permits:

- (i) No person knowingly shall engage in agricultural burning unless he has a valid permit from the agency designated by the Air Resources Board to issue such permits in the area where the agricultural burn will take place. A violation of this Rule constitutes a violation of Section 39299 of the California Health and Safety Code.
 - (a) Each agency so designated by the State Air Resources Board shall issue agricultural burning permits subject to the Rules and Regulations of the State Air Resources Board and of the County Air Pollution Control District.
- (ii) Each applicant for a permit shall provide information as required by a fire protection agency having jurisdiction for fire protection purposes.

- (iii) Each applicant for a permit shall provide information as required by the Air Pollution Control District.
- (vi) At least twenty-four hours prior to the burn, notice of intent should be given by the permittee to the designated agency having jurisdiction over the site of the proposed burn.
- (v) Except for special permits, no permit shall be valid for any day during a period in which agricultural burning as prohibited by the State Air Resources Board or the Shasta County Air Pollution Control Officer.
- (vi) No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purpose of fire control or prevention.

(d) Burning Report:

- (i) A report of burning pursuant to this Rule during each quarter of a calendar year shall be submitted to the Air Resources Board by the Shasta County Air Pollution District within 20 days of the end of the quarter. The report shall include the date of each burn, the type of waste burned, and the estimated tonnage or acreage of waste burned.
- (ii) A report of permits issued by special permit authorizing burning on no-burn days during each quarter of a calendar year shall be submitted to the Board within 20 days after the end of the quarter. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned pursuant to the permit, and a summary of the reasons why denial of such permits would have threatened imminent and substantial economic loss.

(e) Penalty and Enforcement Provisions:

- (i) The prohibitions herein set forth are subject to the penalty provisions contained in Shasta County Air Pollution Control District Rules, by reference to the State Law which includes Health and Safety Code Section 24253.

(ii) The Control Officer is charged with the enforcement of these rules as per Shasta County Air Pollution Control District Rule 3:7.

(iii) Open Burning:

(a) Complaint received or burning observed.

(b) Investigation (fire protection agency or air pollution control district).

1. Determine responsible person.
2. Determine who ordered fire.
3. Ask for permit.
4. Determine whether violation exists.

(iv) If violation exists:

(a) Action taken:

1. Obtain all pertinent information for report - name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.
2. Issue citation to appear (Section Penal Code 836.5).
3. If citation cannot be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:
 - a. Investigation: same as above.
 - b. Review file with Air Pollution Control Officer.
 - c. Ask District Attorney for complaint or injunctive action.
4. May issue official notice to cease and desist - subject to judgment of officer.

(2) PROHIBITIONS - CONDITIONS FOR OPEN BURNING IN AGRICULTURAL OPERATIONS IN THE GROWING AND HARVESTING OF CROPS OR RAISING OF FOWLS OR ANIMALS:

- (a) All material to be burned must be free of material that is not produced in an agricultural operation, except for approved ignition devices;
- (b) All material to be burned must be arranged so that it will burn with a minimum of smoke and must be reasonably free of dirt, soil and visible surface moisture, and when required, all waste piled to be burned must be prepared so that it will burn with a minimum of smoke; and when required by District, the burn shall be assisted with the use of mechanical and blowing devices;
- (c) The wood waste shall be cut and dried prior to burning for the following specified minimum periods:
 - Trees under 6" (DBH) - 3 months;
 - Vines, bushes, prunings and small branches between the months of November and April - 3 months;
 - Vines, bushes, prunings and small branches between the months of May and October - 2 months;
 - Waste from field crops that are cut in a green condition - 3 weeks;
 - All unwanted trees over 6" diameter at breast height (DBH) be fallen and dried for a minimum period prior to burning as follows:
 - Between 6" and 12" - 6 months;
 - Between 12" and 24" - 1 year;
 - Over 24" - 2 years.

However, if any tree over 6" DBH is fallen and bucked to lengths under 24" and split accordingly, the minimum drying period is 3 months.
- (d) The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions. In no event shall more than 10% of any single crop, or 3,000 acres, whichever is greater, be ignited on any given day.

- (e) No burning be conducted if wind conditions would cause an undue amount of smoke to be blown into populated areas. However, in no event shall a public or private nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
 - (f) All fires be ignited by ignition devices approved by the Shasta County Air Pollution Control District, but in no event shall fires be ignited by waste oil, tires or tar paper.
- (3) PROHIBITIONS - CONDITIONS FOR RANGE IMPROVEMENT BURNING:
- (a) All fires be ignited by ignition devices approved by the Shasta County Air Pollution Control District, but in no event shall fires be ignited by waste oil, tires or tar paper.
 - (b) The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions. In no event shall more than 6,000 acres be ignited on any given day.
 - (c) The burn must be ignited as rapidly as practicable within applicable fire control restrictions.
 - (d) No burning be conducted if wind conditions would cause an undue amount of smoke to be blown into populated areas. However, in no event shall a public or private nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
 - (e) All brush to be burned must be brush treated at least six months prior to the burn unless such, in the opinion of the Air Pollution Control Officer of the District, is economically and technically not feasible.
 - (f) The wood waste be cut and dried prior to burning for the following specified minimum periods:
 - Trees under 6" (DBH) - 3 months;
 - Vines and bushes between the months of November and April - 3 months;
 - Vines and bushes between the months of May and October - 2 months;

All unwanted trees over 6" diameter at breast height (DBH) be fallen and dried for a minimum period prior to burning as follows:

Between 6" and 12" - 6 months;

Between 12" and 24" - 1 year;

Over 24" - 2 years.

However, if any tree over 6" DBH is fallen and bucked to lengths under 24" and split accordingly, the minimum drying period is 3 months.

- (g) If the burn is to be done primarily for improvement of land for wildlife and game habitat, the permit applicant must file with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

(4) PROHIBITIONS - FOREST MANAGEMENT BURNING:

- (a) All fires be ignited by ignition devices approved by the Shasta County Air Pollution Control District, but in no event shall fires be ignited by waste oil, tires or tar paper.
- (b) The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions. In no event shall more than 10% of any single crop, or debris on 3,000 acres, whichever is greater, be ignited on any given day.
- (c) The burn must be ignited as rapidly as practicable within applicable fire control restrictions.
- (d) No burning be conducted if wind conditions would cause an undue amount of smoke to be blown into populated areas. However, in no event shall a public or private nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
- (e) The wood waste be cut and dried prior to burning for the following specified minimum periods:

Trees under 6" (DBH) - 3 months;

Vines and bushes between the months of November and April - 3 months;

Vines and bushes between the months of May and October - 2 months;

All unwanted trees over 6" diameter at breast height (DBH) be fallen and dried for a minimum period prior to burning as follows:

Between 6" and 12" - 6 months;

Between 12" and 24" - 1 year;

Over 24" - 2 years.

However, if any tree over 6" DBH is fallen and bucked to lengths over 24" and split accordingly, the minimum drying period is 3 months.

- (f) All waste to be burned must be free of tires, rubbish, tar paper or construction debris.
- (g) All waste to be burned must be windrowed or piled where possible, unless good silvicultural practice dictates otherwise.
- (h) All waste piled to be burned must be prepared so that it will burn with a minimum of smoke; and when required by District, the burn shall be assisted with use of mechanical air blowing devices.
- (i) All waste piled to be burned must be reasonably free of dirt and soil.

Rule 2:6(5) Exceptions:

- (b) Any person who sets a fire pursuant to the written order of an enforcement officer for the purpose of disease or pest control shall be exempt from the provisions of this Rule 2:6 or Rule 2:7.

(51.13) Rule 2:7. Open Burning in Urban Areas: It shall be unlawful after July 1, 1972, to burn combustible or flammable solid or liquid waste in open outdoor fires within that portion of Shasta County within the boundaries of the Enterprise Public Utility District and within the boundaries of the Central Valley Fire District. It shall be unlawful after April 1, 1973, to burn combustible or flammable solid or liquid waste in open outdoor fires within that portion of Shasta County within the city limits of Redding and Anderson.
(Added 5/8/72)

(51.13) Rule 2:8. Exceptions to Open Burning:

- (a) Nothing in Rules 2:6 or 2:7 shall be construed as limiting the authority granted under other provisions of law:
 - (1) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:
 - (a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - (b) The instruction of public employees in the methods of fighting fires,
 - (c) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- (b) To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- (c) To abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part I of Division 12 of the Health and Safety Code.
- (e) The Air Pollution Control Officer is authorized to issue permits for open outdoor fires in mechanized burners for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials on the condition that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:
 - a. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
 - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

(51.13) Rule 2:9. Additional No Burn Days: The Air Pollution Control Officer may declare No-Burn days in addition to those so declared by the State Air Resources Board.
(Added 5/8/72)

(3.0) Rule 2:10. Action on Applications Interim Variance:

The Control Officer shall act, within a reasonable time, on an application for authority to construct, permit to operate or permit

to sell or rent, and shall notify the applicant in writing of his approval, conditional approval or denial. Where an application for a permit is pending before the Control Officer, and where the Control Officer has not, in his opinion, sufficient data to act upon such application, then the Control Officer shall apply to the Hearing Board for a variance for sufficient time to make a determination on such application. Any variance granted pursuant to such application shall be conditioned upon full compliance by the applicant with Rules 2:7 and 2:11.

(2.0) Rule 2:11. Fees:

- a. Every applicant, except any governmental agency for a permit to operate or for the extension, revocation, modification or transfer thereof shall pay to the office of the Control Officer a deposit and a non-refundable permit fee as follows: such fee schedule shall be established pursuant to the provisions of Section 24267.

PERMIT FEE SCHEDULES

1. Maximum designed fuel consumption measured in 1,000 BTU/hr.

150 or less	\$ 40.00
greater than 150, but less than 650	80.00
650 or greater, but less than 1,500	120.00
1,500 or greater, but less than 5,000	160.00
5,000 or greater, but less than 10,000	200.00
10,000 or greater, but less than 20,000	250.00
20,000 or greater, but less than 50,000	300.00
50,000 or greater	350.00
2. Incinerators in square footage combustion chamber at maximum width where designed according to acceptable engineering principles with respect to loading.

10 or less	\$ 40.00
greater than 10, but less than 50	80.00
50 or greater, but less than 500	150.00
500 or greater, but less than 2,000	250.00
2,000 or greater	350.00
3. Electrical energy usage measured in kilovolt amperes (KVA) (one KVA equals approximately one horsepower).

20 or less	\$ 20.00
greater than 20, but less than 50	40.00
50 or greater, but less than 200	80.00
200 or greater, but less than 1,000	140.00

1,000 or greater, but less than 10,000	\$220.00
10,000 or greater, but less than 50,000	300.00
50,000 or greater	350.00

4. Stationary tanks and containers, measured by volume in cubic feet.

150 or less	\$ 10.00
greater than 150, but less than 700	20.00
700 or greater, but less than 1,500	40.00
1,500 or greater, but less than 7,000	60.00
7,000 or greater, but less than 15,000	80.00
15,000 or greater, but less than 70,000	100.00
70,000 or greater, but less than 150,00	150.00
150,000 or greater	200.00

5. Emissions measured as standard dry cubic ft/minute of exhaust or discharge into the atmosphere.

2,000 or less	\$ 20.00
greater than 2,000, but less than 5,000	40.00
5,000 or greater, but less than 10,000	60.00
10,000 or greater, but less than 20,000	100.00
20,000 or greater, but less than 50,000	140.00
50,000 or greater, but less than 100,000	200.00
100,000 or greater	300.00

6. Initial filing fee.

- (a) The deposit required upon the filing of an application shall be an amount equal to the lowest fee in the applicable permit fee schedule.
- (b) The applicable permit fee schedule notwithstanding, the deposit shall be \$20.00 and such amount shall be the total fee for devices operating less than one hundred (100) hours per year.

7. Multi-component systems will be measured by the totals of all components.

8. General rules applicable to this fee schedule:

- (a) In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.
- (b) Any article, machine, device, or other contrivance which is not included in the five preceding schedules shall be assessed a permit to operate fee of \$40.00.

- (c) If the Control Officer ascertains that tests will be required which he does not routinely perform, then he is authorized to charge additional fees not to exceed his estimated cost of making such tests provided that the applicant shall be advised of such additional permit fee prior to the making of such tests and given the option to have such tests made by an independent laboratory approved by the Control Officer at the applicant's cost.
- (d) If the multi-component system includes articles or devices covered by more than one schedule, the total fee shall be an amount equal to the sum of the two highest fee schedules. Fees under each schedule shall be computed as if the aggregate of the devices were a single device.
- (e) If a replacement, addition, or modification for which an additional permit is required is made to a system for which a permit to operate has been issued, a fee not exceeding the permit fee for the individual device replaced, added to the system or modified shall be charged to reimburse the District for actual costs incurred in processing the application.

THIS FEE SCHEDULE APPLIES ONLY TO DEVICES REQUIRING A PERMIT UNDER RULES 2:2, 2:3 AND 2:4.

- (b) A fee shall be paid for services rendered by the Air Pollution Control District for photocopies and transcription of tapes from Hearing Board proceedings as established by the schedule set by the Air Pollution Control Board.
(Amended 10/1/73)

(3.0) Rule 2:12. Standards for Granting Applications: In acting upon a Permit to Operate, if the Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Control Officer shall not accept any further application for permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

(2.0) Rule 2:13. Conditional Approval: As a continuing permit, the permittee shall be required to provide any or all information required by the Control Officer pursuant to Section 24269. Upon a willfull failure to provide such information to the Control Officer within a reasonable time, the Control Officer may suspend the permit sursuant to the provisions of Section 24270.

Any such permit may be conditioned in any manner which the Control Officer may reasonably require, including, but not limited to, continued functioning in a specified manner and under specified conditions. No permit shall be issued which purports to permit a condition violative of any provision of Rule 3. The existence of any permit shall not be a defense to any allegation of a violation of Rule 3.

- a. The Control Officer may issue an authority to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 3, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant provided reasonable assurance that the article, machine, equipment or other contrivance can operate within the standards of Rule 3 under the revised conditions.
- b. The Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machines, equipment or other contrivance within the standards of Rule 3 in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 3 under the revised conditions.

(9.0) Rule 2:14. Testing Facilities: Before an authority to construct or a permit to operate is granted, the Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California. A person operating or using any article, machine, equipment or other contrivance for which these rules

require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate. Any permittee or applicant for a variance may request the Control Officer to obtain test or emission data at the expense of the requesting party. The cost of such service shall be the actual cost to the District (including general overhead) of performing such services.

- (3.0) Rule 2:15. Applications Deemed Denied: The applicant may at his option deem the authority to construct, permit to operate or permit to sell or rent denied if the Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Control Officer, whichever is later.
- (2.0) Rule 2:16. Appeals: Within 10 days after notice, by the Control Officer, of denial or conditional approval of an authority to construct, or approval to transfer, or a permit to operate or permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Control Officer; such order may be made subject to specified conditions.
- (3.0) Rule 2:17. Status of Permit: The person responsible for obtaining such permit shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in connection with obtaining such permit.
- (2.0) Rule 2:18. Transfer: An authority to construct, permit, to operate, sell or rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another, except on the written approval of the Control Officer.
- (3.0) Rule 2:19. Change in Multi-Component System: Persons holding such permits may, at their discretion, and at any time, reapply for separate permits for one or more of the articles originally included in a multi-component system. Such application shall be deemed an application for a new permit.
- (3.0) Rule 2:20. Posting of Permit to Operate: A person who has been granted a permit to operate as described in Rule 2:3 shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed

or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

- (3.0) Rule 2:21. Defacing Permit: No person shall willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

- (14.0) Rule 2:25. Public Records - Trade Secrets:

- a. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.
- b. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.
- c. Except as otherwise provided in subdivision d, trade secrets are not public records under this section. "Trade secrets", as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information, which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
- d. Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision c, are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision of data which constitute trade secrets and which are used to calculate emission data are not public records.

RULE III - PROHIBITIONS AND ENFORCEMENT

(2.0) Rule 3.1 Applicability of State Laws:

Each and every provision of Federal or State Law or applicable Air Basin Plan now or hereinafter enacted or as amended which regulates the discharge of any air contaminants is incorporated herein by reference and where in conflict with local rules and regulations, the more restrictive provisions shall apply.

(50.0) Rule 3:2. Specific Air Contaminants: No person shall discharge contaminants from any single source into the atmosphere in amounts greater than those designated for the appropriate condition in Table II of this rule. The categories of permitted discharges as utilized in Table II are designated A, B, C and D and established in Table I as follows:

EXHIBIT "A"

TABLE I

Elevation of Discharge Point	8-1-1971 to 1-1-1973	1-1-1973 to 1-1-1974	1-1-1974 to 1-1-1975	1-1-1975 to 1-1-1977	1-1-1977 and after
Existing Sources below 1,000 feet	C	B	B	A	A
Existing Sources above 1,000 feet including the portion of the district within the Northeast Plateau Air Basin	D	C	C	C	B
New Industry as of June 1, 1972	A*	A*	A*	A*	A*

* UNLESS GOVERNED BY E.P.A. NEW SOURCE STANDARDS

Contaminant	Maximum Emission From Any Source			
	A	B	C	D
I. Unclassified particulate matter in grains per standard cubic foot (1) (4)	0.10	0.20	0.30	0.40
II. Particulate matter of particulate size less than 10 microns in grains per standard cubic foot (1)	0.05	0.10	0.15	0.20
III. Combustion contaminants in grains per standard cubic foot (2)	0.15	0.20	0.30	0.40
IV. Dusts (a) Maximum lb/hr (b) lb/hr (E) as a function of process weight (P_t) expressed in tons (3) (4)	40 $E=4.10P_t^{0.67}$	55 $E=4.10P_t^{0.67}$	70 $E=5.00P_t^{0.67}$	85 $E=6.00P_t^{0.67}$
V. Sulfur dioxide in parts per million (5)	1000	1000	1500	2000
VI. Total reduced sulfur expressed as H_2S from recovery boilers in p.p.m. by volume (6)	17.5	70	100	150
VII. Total reduced sulfur from other sources in lb/ton of kraft pulp production (7)	1	2	3	4

Explanatory Notes for Table II:

- (1) Standard air or gas volume at 70°F., one atm., dry basis.
- (2) Flue gas volume calculated at 70°F., one atm., dry basis, 12% CO₂ equivalent. Carbon dioxide produced by auxiliary fuel used in refuse incinerators, is to be excluded from the calculation.
- (3) Process weights above 30 tons per hour shall conform to the formula $E = 55P_t^{0.11-40}$.
- (4) Emissions are to be measured by the methods described in the Shasta County Air Pollution Control Officer's "Source Testing Manual".
- (5) Standard air or gas volume at 70°F., one atm., dry basis. When sulfur dioxide is the byproduct of combustion of a carbonaceous fuel, the gas volume shall be calculated to 12% CO₂.
- (6) Total reduced sulfur compounds, in gas phase leaving kraft recovery boiler, expressed as hydrogen sulfide. Standard conditions for determination of gas volume - 70°F., one atm., dry basis.
- (7) Total reduced sulfur compounds, in gas phase at any point of emission other than kraft recovery boiler. Expressed as pounds of sulfur per air dried ton of kraft wood pulp production.

New or modified emission sources, after July 1, 1972, which do not result in net emission reduction, shall be required to comply with rows I, II and IV of Table II.

- (51.16) Rule 3:3. Hydrocarbons - Loading Facilities: Subsequent to August 1, 1971, a person shall not load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation.

When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it

is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

- a. A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all hydro-carbon vapors and gases entering such disposal system.
- b. A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to received all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.
- c. Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Control Officer.

This rule shall not apply to the loading of gasoline into tank trucks and trailers from any loading facility from which not more than 10,000 gallons of gasoline are loaded in any one day.

(51.16) Rule 3:4. Industrial Use of Organic Solvents:

- a. A person shall not discharge more than 15 pounds of organic solvents into the atmosphere in any one week from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat cured or heat-polymerized, in the presence of oxygen at temperatures above 400°F., unless all organic solvents discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 15 pounds in any one week.
- b. A person shall not discharge more than 40 pounds of photochemically reactive solvents into the atmosphere in any one week from any article, machine, equipment or other contrivance used under conditions other than described in section a, for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in Rule 1:2, or material containing such solvent, unless all photochemically reactive solvents discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one week.

The provisions of this rule shall not apply to:

1. The spraying or other employment of insecticides, pesticides or herbicides.
2. The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

Whenever any organic solvent of any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical groups, that is, the groups having the least allowable percent of the total of solvents.

- c. No person shall discharge from any device, contrivance or machine more than forty (40) pounds per day of any photochemically reactive substance other than those described in a and b above unless such discharge is controlled to reduce emissions by 85%.
(Amended 10/1/73)

(51.1) Rule 3:5. Agricultural Uses: Discharges created in the course of applying agricultural materials in strict compliance with a permit issued by the County Agricultural Commissioner are not violations of these regulations.

(2.0) Rule 3:6. Circumvention: No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation.

(2.0) Rule 3:7. Enforcement: These rules and regulations shall be enforced by the Control Officer pursuant to all applicable law. The pursuit of any one such remedy shall not be deemed an election of remedies. All available remedies may be pursued individually, collectively, concurrently, or consecutively, at the option of the Control Officer.

(2.0) Rule 3:8. Orders for Abatement: The Clerk of the Hearing Board shall, on the petition of the Control Officer, or may, upon receipt of a verified petition from any other interested person, which adequately establishes sufficient facts to support a violation, notice a hearing to determine the existence of any alleged violation of any statute, rule, or regulation prohibiting or limiting the discharge of air contaminants into the atmosphere. Each notice shall include the nature of the alleged violation, the time and place of the hearing and shall inform the alleged violator that he has the right to counsel at the proceeding, the right to compel the attendance of

of witnesses on his behalf, the right to cross-examine witnesses, and the right to procure a court reporter to record and/or transcribe the proceedings, all at his own expense. All such petitions shall be set for hearing or dismissed within 30 days of receipt of same. Hearings shall be set no sooner than ten days and no later than thirty-five days from the date of service of such notice. Whenever the Hearing Board finds that any person is in violation of any such statute, rule or regulation, the Hearing Board shall issue its order of abatement.

(2.0) Rule 3:9. Recommendation of Control Officer: No suggestion or recommendation of the Control Officer shall be deemed a guaranty that the recommended device or process will in fact result in compliance with these rules.

(7.0) Rule 3:10. Breakdown or Upset Condition: Emissions exceeding any of the limits established in these Rules as a direct result of upset conditions in, or breakdown of, any operating equipment or related air pollution control equipment, or as a direct result of a shutdown of such equipment for scheduled maintenance (which shall not exceed 12 per 12 month period), shall be excused provided all the following requirements are met:

- a. For scheduled maintenance, a report shall be submitted at least twenty-four (24) hours prior to shutdown.
- b. For upset conditions or breakdown, a report shall in any case be made within four (4) hours of the occurrence.
- c. The person responsible for such emissions shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such emissions to exceed the limits of these Rules and to reduce the frequency of the occurrence of such conditions; and shall, upon the request of the Control Officer, submit in writing a full report of each occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of this section.

(2.0) Rule 3:11. Local Rules: Any City, Public Utility District or other local agency having the authority so to do may by ordinance enact rules more restrictive than the rules contained herein. It is not the intention of the District to preempt the field.

(51.21) Rule 3:12. Reduction of Matter of Animal Origin (Except the curing of glue): A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of matter of animal origin, unless all gases, vapors and gas-entrained effluents which contain odorous materials from such an article, machine, equipment or other contrivance are:

- a. Incinerated at temperatures of not less than twelve hundred degrees Fahrenheit (1200°F.) for a period of not less than 0.3 seconds, or
- b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than a above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authorization to Construct or Permit to Operate, or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this Rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this Section shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.
(Added 5/8/73)

RULE IV - PROCEDURE BEFORE THE HEARING BOARD

- (3.0) Rule 4:1. Applicable Articles of the Health & Safety Code:
The provisions of Article 5 and Article 6, Chapter 2, Division 20 of the State of California Health and Safety Code, as amended respectively entitled "Variances and Procedure", are incorporated herein by this reference.
- (2.0) Rule 4:2. General: This procedure shall apply to all proceedings before the Hearing Board.
- (2.0) Rule 4:3. Filing Petitions: Request for a hearing shall be initiated by the filing of the original and five (5) copies of a petition with the Clerk of the Hearing Board who shall be the Control Officer, and the payment to said Clerk of the fee provided in Rule 4:4.
(Amended 7/12/71 and 10/1/73)
- (16.0) Rule 4:4. Hearing Board Fees: Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, and every applicant under Rule 2:16 hereof, shall pay to the Clerk of the Hearing Board, on filing a non-refundable fee as set forth in the schedule of fees then in effect as adopted by the Board. Such fees shall be determined pursuant to Section 24293. No fee shall be required of a public agency or a public officer acting in scope of his official capacity.

(2.0) Rule 4:5 Contents of Petitions: Every petition shall state:

- a. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;
- b. Whether the petitioner is an individual, copartnership, corporation, or other entity; and names and addresses of partners if a copartnership; names and addresses of the persons in control if other entity;
- c. The type of business or activity involved in the application, and the street address at which it is conducted;
- d. A brief description of the article, machine, equipment, or other contrivance, if any, involved in the application.
- e. Whether the petitioner desires a hearing:
 1. For a variance under Section 24292, Health and Safety Code, or
 2. For an alleged violation, or
 3. Other matter specified in Division 20, Chapter 2, Health and Safety Code;
- f. Each petition shall be signed by the petitioner, or some person on his behalf; and where the person signing is not the petitioner, it shall set forth his authority to sign;
- g. All petitions shall be typewritten, double spaced, on letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 4.6 Petition for Variance: In addition to matters required by Rule 4.5, a petition for variance shall be made on forms provided by the Air Pollution Control Officer and shall state facts sufficient to enable the Air Pollution Hearing Board to make findings required by the Hearing Board to make findings required by Health and Safety Code Section 24296.5 and to exercise its discretion pursuant to Health and Safety Code Section 24297.

(2.0) Rule 4:7 Petition for Abatement Order: In addition to the matters required by Rule 4:5, a Petition for an Abatement Order shall state briefly:

- a. Statement of the acts, uses, and/or conditions complained of;
- b. A statement of the location, dates, and times of occurrence thereof;
- c. A statement of the rule(s) violated thereby;

- d. If the petition is filed by the Control Officer, a statement that more than 30 days prior to filing the petition the Control Officer served upon the alleged violator(s) a notice of alleged violation and demand for correction, and that correction has not been made. If a shorter notice period is stated, the petition shall include the reasons therefor, which reasons shall relate to the welfare of the people of the County.
- (2.0) Rule 4:8. Contents of Notice of Appeal: (Repealed October 1, 1973 by Resolution 73-2)
- (2.0) Rule 4:9. Failure to Comply with Rules: The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules.
- (2.0) Rule 4:10. Service of Notices, Etc.: Every person who is subject to these rules and regulations may be served with notices, including notices of hearing before the Hearing Board, by Certified Mail.
- (2.0) Rule 4:11. Answers: Any interested person may file an answer within 10 days after service.
- (2.0) Rule 4:12. Withdrawal of Petition: The petitioner may withdraw his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.
- (16.0) Rule 4:13. Place of Hearing: All hearings shall be held at the time and place designated by the Hearing Board.
- (16.0) Rule 4:14. Notice of Hearing:
- (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer, all other air pollution control districts within the air pollution control districts within the air basin as defined by the State Air Resources Board, the State Air Resources Board, the Environmental Protection Agency, and upon the petitioner, if any, not less than 30 days prior to such hearing.
- (b) The hearing board shall also send notice of the hearing to at least one daily newspaper of general circulation in the district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

- (c) At least 30 days prior to the hearing, the hearing board shall make the petition for variance, including all proposed conditions of increments of progress, if any, available to the public for inspection. The hearing board may require that the petitioner submit proposed conditions or increments of progress as part of the petition. If the petitioner fails to do so, the hearing board may itself propose conditions or increments of progress, or dismiss the petition. The hearing notice shall state that the petition, including proposed conditions or increments of progress, is available for public inspection, and set forth the place and times therefor.
- (d) In the case of a variance or series of variances totaling not more than 90 days, the notice requirements of subdivisions (b) and (c) shall not apply. For such a variance or variances, notices shall be served as required in subdivision (a), and upon any person who requests notice of such variances, not less than 10 days before the hearing.

(2.0) Rule 4:15. Rules of Evidence and Procedure:

- a. Oral evidence may be taken on oath or affirmation.
- b. Each party shall have the right: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; and to rebut the evidence against him.
- c. The formal rules of evidence or procedure which must be followed in a court proceeding shall not be applicable. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 4:16. Preliminary Matters: Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Rule 4:17. Official Notice: The Hearing Board may take official notice of any matter which may be judicially noticed by the Courts of this State.

- (2.0) Rule 4:18. Continuances: The Chairman or any two members of the Board shall grant any continuance of 15 days or less, concurred in by all parties, and may grant any reasonable continuance for good cause shown, in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.
- (16.0) Rule 4:19. Hearing and Decision: All hearings shall be held by three or more members of the Hearing Board. The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain findings set forth in Section 24296.5 of the Health and Safety Code as required; a brief statement of facts found to be true; the determination of the issues presented; and the order of the Hearing Board. A copy shall be mailed or delivered to the Control Officer and the petitioner.
(Amended 10/1/73)
- (2.0) Rule 4:20. Effective Date of Decision: The decision granting or extending a variance shall become effective immediately after notice as provided in Rule 4:19; any other order shall become effective 30 days after said notice unless otherwise ordered by the Hearing Board.
(Amended 10/1/73)
- (2.0) Rule 4:21. Issuance of Subpoenas: Subpoenas Duces Tecum: Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the Chairman of the Hearing Board shall cause issuance of a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.
- (2.0) Rule 4:22. Confidential Information: Upon the written request of the person making disclosure, and to the extent permitted by Government Code Section 6254.7, information disclosed to the District which constitutes a trade secret shall be confidential. Nothing contained in this rule shall limit the Control Officer's use of such information in any proceedings before the Hearing Board, the Control Board, or any court of competent jurisdiction.
- (2.0) Rule 4:23. Additional Rules: The Hearing Board shall have the right to make such additional rules, regulating its hearings and procedures not inconsistent with these rules, as it may deem proper.